

## **REMARKS**

### **Status of the Claims**

Claims 1-40 are pending in this application.

Claims 1-40 are rejected.

No claims have been canceled, without prejudice.

Claims 1-3, 9-10, 15-17, 22-27, 32, 34-35, and 38-39 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

### **Specification Objections**

No amendments were made to the specification. The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 23 and 33 have been amended to include how the fastener "comprises a threaded fastener which may be inserted up through the bottom of the modular bezel through a boss located in the modular bezel and into a corresponding boss in the mirror housing."

Applicant believes that the amendments to claims 23 and 33 clarify and provide proper antecedent basis for the claimed subject matter. Applicant requests that the specification objections be withdrawn.

### **Drawing Objections**

The drawings have been objected to under 37 CFR 1.83(a). The Office Action indicated that the "drawings must show every feature of the specified claims." The

Office Action also stated that “the ‘a threaded fastener for attaching the light module to the bezel’ must be shown of the features canceled from the claims.”

A threaded fastener for attaching the light module to the bezel is shown in Figures 3 and 4. A threaded fastener 46 is shown in a boss 48, and may be inserted in the boss in the housing 16. Every feature of the claims is shown in the drawings. Therefore, Applicant respectfully requests the reconsideration of the drawing objection.

### **Claim Objections**

Claims 23 and 33 were objected to because the limitation of “a threaded fastener for attaching the light module to the bezel’ as claimed in claims 23 and 33 is not supported by the specification.” The Office Action also stated that the disclosure of a clip-type fastener contradicts the claimed recitation that the threaded fastener attaches the light module to the bezel.

Claims 23 and 33 have been amended to clarify that the fastener “comprises a threaded fastener that is inserted through the bottom of the modular bezel through a boss located in the modular bezel and into a corresponding boss in the mirror housing.”

Applicant believes that the amended claims 23 and 33 are fully supported by the specification. Paragraph 20 of the specification states that “a threaded fastener 46 may be inserted up through the bottom of bezel 28 through boss 48 and into a corresponding boss in housing 16.” Applicant respectfully requests the removal of the objection of claims 23 and 33.

### **Double Patenting**

The Office Action indicated that claims 1-40 of the present application were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-31 and 41-66 of copending Application No. 10/495,105. The Office Action stated that "although the claims are not identical, they are not patentably distinct from each other because merely uses slightly different claim language to claim the same invention." The applicant submits herewith the attached terminal disclaimer and the associated fee, which obviates the present rejection of claims 1-40. Accordingly, the Applicant submits that the double patenting rejection of claims 1-40 has been overcome.

**Rejection of Claims 1-22, 25-32 and 35-40 Under 35 U.S.C. § 102(b)**

Claims 1-22, 25-32 and 35-40 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,823,654 to Pastrick et al. (hereafter Pastrick).

The Office Action specifically states that the Pastrick reference

"...discloses a mirror assembly for a vehicle comprising: a mirror housing 26,' a reflective element 28,' a backing assembly (42, 43, see figure 8) supported by the mirror housing, the backing assembly supporting the reflective element; a bezel 104 having a height for extending below the housing 26,' formed as a separate element of and attached to a lower portion of the mirror housing 26,' a portion of the bezel 104 including an opaque contoured surface portion extending from the lower portion of the mirror housing, the bezel having an opening 136 for projecting light through the lens 160, a light module 151 disposed within the bezel, the light module 151 having a light source 152 for providing light to be projected through the lens 154; and a lens 154 formed in the opening, the light projecting through the lens 154. The bezel 104 is disposed generally beneath the backing assembly and the reflective element 28. The opening in the bezel projects rearwardly. The light source 52 generates light to provide at least one of a turn signal light, an approach light, and a vehicle side marker light (can be used as all three, see columns 1-2 and entire specification). The light source assembly 151 has a reflective inner surface (not explicitly shown in figure 22 but explicitly taught in Pastrick et al's disclosure, see figure 8, reflective element 62) being shaped to direct a maximum amount of light emitted from the light

source 152 to the lens 154. The lens 154 is operative to direct light through an arc extending at least 40 degrees (see column 1, line 55-61,). Pastrick et al teaches the angle to up to 45 degrees) rearwardly from approximately a line passing through the minor assembly and extending perpendicular to the longitudinal axis of the vehicle. The light source is operable to provide a signal visible through the light transmitting lens 154 to the rearward motor vehicle when activated. The light source 152 generates light to provide a vehicle approach light and wherein the lens of one of red, amber, and white (as taught in column 8, lines 29-56). The light source 152 generates light to provide a vehicle side marker light and wherein the lens is one of red, amber, and white (as taught in column 8, lines 29-56.) The bezel 140 is attached to the housing mirror housing via a fastener 169."

Claims 1, 15, 25, and 35 are the independent claims contained in the present rejection. Therefore, in order for Pastrick to anticipate these claims, each and every element of these claims must be disclosed in Pastrick. Claim 1 has been amended to recite a "modular bezel connected... to a lower transverse surface of the housing, the modular bezel having an opening for projecting light and a holder positioned in said modular bezel." Claims 1, 15, 25, and 35 have been amended to include a holder positioned inside of the modular bezel. These claims now describe a feature where there is a modular bezel connected to a lower transverse surface of the housing, where the modular bezel has an opening for projecting light and a holder positioned in the modular bezel.

Pastrick fails to disclose these elements. Pastrick does not disclose a holder in the bezel, but rather the drawings show that Pastrick has a light source holder as a separate component from the bezel. Figures 21-23 in Pastrick show how a "security lighting system 25' includes a light module 104 that is removably positioned within housing 34' of exterior mirror assembly 26'." Col. 9, Lines 20-22. Also, "mirror housing 34' includes a downward opening 108 for receiving light module 104." Col. 9, Lines 24-25. The light module 104 disclosed in Pastrick does not connect to a lower transverse surface of the mirror housing 34'; instead, it is inserted inside the mirror housing 34'.

Nowhere in the drawings is a modular bezel connected to the bottom surface of the mirror housing disclosed, nor is there a holder shown inside the bezel.

For all the forgoing reasons, Pastrick does not disclose each and every element of claims 1, 15, 25, and 35.

With regard to the rejection of dependent claims 2-14, 16-24, 26-34, and 36-40, Applicant points out that these claims contain all the limitations of their respective independent claims, discussed above. It submitted that the amendments to claims 1, 15, 25, and 35 overcome the Office Action's rejection, therefore, Applicant respectfully requests the removal of the rejections for claims 2-14, 16-24, 26-34, and 36-40.

#### **Rejection of Claims 23 and 33 Under 35 U.S.C. § 103**

Claims 23 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,823,654 to Pastrick et al. (hereafter Pastrick) in view of U.S. Patent No. 5,938,322 to Alonzo, Jr. et al. (hereafter Alonzo).

The Office Action specifically states that

Claims 23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastrick et al '654 in view of Alonzo, Jr. et al. Pastrick et al '654 discloses the claimed invention except for the teaching of a threaded fastener for attaching light module to a bezel. Pastrick et al '654 doesn't mention the type of fasteners used to hold the module to bezel 116, but does indicate at column 11, line 67- column 12, lines 1-4 that when the cover member 160 and optical surface engage with flange 146 to create a water-tight engagement. Alonzo Jr. et al (figure 1) teaches a threaded fastener 16 for attaching lamp module 12 to bezel 14. It would have been obvious to one skilled in the art at the time of applicant's invention to modify the light module of Pastrick et al so as to include a threaded fastener as taught by Alonzo, Jr. et al in order to provide an effective means for attaching the light module to the bezel.

Applicant points out that claim 23 incorporates all of the elements found in claims 15 and 16. Claim 33 incorporates all of the elements of claims 32 and 25. Thus the

proposed combination of references must render all of the limitations of claims 23 and 33 obvious in order for the rejection to be maintained.

Claims 23 and 33 include a modular bezel connected to a lower transverse surface of a mirror housing, an opening for projecting light, and a holder positioned in the modular bezel. Pastrick does not teach or suggest any of these limitations. In Figures 21-23, Pastrick teaches how a "mirror housing 34' includes a downward opening 108 for receiving light module 104." Col. 9, Lines 24-25. Instead of teaching a light module 104 connected to a lower transverse surface of the mirror housing 34', Pastrick teaches how the light module 104 is inserted inside the mirror housing 34'. Therefore, Applicant maintains that Pastrick does not teach or suggest all of the limitations of claims 23 and 33.

Applicant maintains that Alonzo does not resolve the deficiencies of Pastrick mentioned above. Alonzo teaches or suggests a housing 28 of a warning light assembly that is placed inside of the mirror housing 14. See Fig. 1, Col. 3, Lines 31-33. There is nothing in Alonzo that teaches or suggests a modular bezel connected to a lower transverse surface of the mirror housing as specified in claims 23 and 33. For this reason alone the combination of Pastrick in view of Alonzo will not render claims 23 and 33 obvious or the present invention obvious.

Also, it would not have been obvious to one skilled in the art at the time of Applicant's invention to modify the light module of Pastrick to include a threaded fastener as taught by Alonzo in order to provide an effective arrangement for attaching the light module to the bezel. Alonzo teaches how "[h]ead 12 is, in the disclosed embodiment, affixed to the front side of the housing 14 by means of mounting screws 16." Col. 3, Lines 5-7. Pastrick specifically states that a "cover member 160 encloses signal light assembly 138 and sinusoidal optical surface 156 by moisture-tight

engagement with flange 146 of enclosure 116.” Col. 11, Line 67- Col.12, Lines 1-2. With regard to the present invention, the threaded fasteners are inserted through the bottom of the bezel through a boss and into a corresponding boss in the housing. Alonzo fails to teach or suggest these elements, Figure 1 of Alonzo shows the threaded fasteners 16 inserted into the side of the housing 14, and does not show how the fasteners 16 are inserted into the housing 20, as described in the present invention.

Therefore, it would not have been obvious to one of ordinary skill in the art to combine Alonzo with Pastrick because Alonzo does not state that the fasteners are inserted through the bottom of the bezel through a boss in the bezel and into a corresponding boss in the mirror housing.

In view of the foregoing, the Applicant respectfully submits that claims 23 and 33 define over the art cited by the Examiner and respectfully requests withdrawal of the rejection. Likewise, claims 23 and 33, which include all of the limitations of claims 15 and 25 respectively, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection.

#### **Rejection of Claims 24 and 34 Under 35 U.S.C. § 103**

Claims 24 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,823,654 to Pastrick et al. (hereafter Pastrick) in view of U.S. Patent No. 6,331,066 to Desmond et al. (hereafter Desmond).

The Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 24 and 34. The Office Action states that

Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastrick et al '654 in view of Desmond et al. Pastrick et al '654 discloses the claimed invention except for the teaching of a threaded fastener for attaching the light module to a bezel. Pastrick et al '654 doesn't mention the type of fasteners used to hold the module to

bezel 116, but does indicate at column 11, line 67- column 12, lines 1-4 that when the cover member 160 and optical surface engage with flange 146 to create a water-tight engagement. Desmond teaches a clip-type fastener 66 for attaching lamp module 40 to a bezel. It would have been obvious to one skilled in the art at the time of applicant's invention to modify the light module of Pastrick et al so as to include a threaded fastener as taught by Desmond et al in order to provide an effective means for attaching the light module to the bezel.

Applicant points out that claim 24 incorporates all of the elements found in claims 15 and 16. Claim 34 incorporates all of the elements of claims 32 and 25. Thus the proposed combination of references must render all of the limitations of claims 24 and 34 obvious in order for the rejection to be maintained. Applicant maintains that Pastrick being taken in view of Desmond does not render the present invention obvious.

Claims 24 and 34 include a modular bezel connected to a lower transverse surface of a mirror housing, an opening for projecting light, and a holder positioned in the modular bezel. Pastrick does not teach or suggest any of these limitations. In Figures 21-23, Pastrick teaches how a "mirror housing 34' includes a downward opening 108 for receiving light module 104." Col. 9, Lines 24-25. Instead of teaching a light module 104 connected to a lower transverse surface of the mirror housing 34', Pastrick teaches how the light module 104 is inserted inside the mirror housing 34'. Therefore, Applicant maintains that Pastrick does not teach or suggest all of the limitations of claims 23 and 33.

Applicant maintains that Desmond does not resolve the deficiencies of Pastrick mentioned above. Desmond teaches or suggests a mirror assembly comprising a "mirror case 11 having a front bezel 12 and a reflective element 100 secured together in a conventional manner." Col. 4, Lines 2-4. "The bottom of the case 11 is formed with recesses 46,47 for receiving reflector members 40,41, respectively." Col. 5, Lines 1-3. There is nothing in Desmond that teaches or suggests a modular bezel connected to a



lower transverse surface of the mirror housing as specified in claims 24 and 34. For this reason alone the combination of Pastrick in view of Desmond will not render claims 24 and 34 obvious or the present invention obvious.

The language in the Office Action is also inconsistent, stating that "Desmond et al teaches a clip-type fastener 66 for attaching lamp module 40 to a bezel," while also stating that it would have been obvious "to modify the light module of Pastrick et al so as to include a threaded fastener as taught by Desmond et al." Desmond does not teach a threaded fastener, Desmond teaches a clip-type fastener. Therefore, the Office Action is incorrect in stating that it would have been obvious to one skilled in the art to modify the light module of Pastrick to include a threaded fastener as taught by Desmond because Desmond does not teach a threaded fastener.

However, Desmond does in fact teach a case 11 in which a reflective surface is positioned for use as a rearview mirror inside an automobile. There are also housing members 40,41 which "are hollow as shown in FIG. 10 and have interior surfaces 40',41' which are vacuum metalised to be light reflective." Col. 5, Lines 16-18. "The particular shape of the reflector members 40,41 provides reflectors with direct light in the desired directions with the direction of the light being substantially controlled by the shape of the reflector members." Col. 6, Lines 3-7. Desmond also teaches how a "resilient flange 66 is provided on each member 40,41 to engage with a complementary flange 67 on the case 11 so that the members 40,41 can be releasably retained within the case 11." Col. 5, Lines 32-35. Additionally, Desmond shows how member 40 is inserted into case 11 in Figures 7 and 10. Pastrick teaches how a "cover member 160 encloses signal light assembly 138 and sinusoidal optical surface 156 by moisture-tight engagement with flange 146 of enclosure 116." Col. 11, Line 67- Col.12, Lines 1-2.

It would not have been obvious at the time of the present invention to modify the modify the light module of Pastrick to include a threaded fastener as taught by Desmond in order to provide an arrangement for attaching the light module to the bezel because Desmond fails to teach or suggest connecting a light module to a bezel through the use of a clip-type fastener. The resilient flange 66 described in Desmond is not used to attach a light module to the case 11 or the bezel 12. Desmond teaches how the resilient flange 66 is used to attach the reflector members 40,41 to the case 11. In each housing member 40,41 described in Desmond an "aperture 62 is provided in the region of the front wall 59 to receive a bulb 63 mounted on the circuit board 32." Col. 5, Lines 28-30. The light module described in Desmond is not attached to the bezel as described in the present invention. It would not have been obvious to one of ordinary skill in the art to modify the light module of Pastrick to include a clip type fastener as taught by Desmond because Desmond does not teach clip-type fastener 66 used for attaching a light module to a bezel.

In view of the foregoing, the Applicant respectfully submits that claims 15 and 25 define over the art cited by the Examiner and respectfully requests withdrawal of the rejection. Likewise, claims 24 and 34, which include all the limitations of claims 15 and 25 respectively, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection.

### **CONCLUSION**

It is respectfully submitted that in view of the above amendments and remarks the claims 25-31 and 41-66, as presented, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render

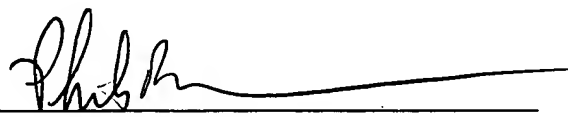
obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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